



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/756,122	11/25/96	JOHNSON	J 7709.124US01

LM02/0216
MERCHANT GOULD SMITH EDELL
WELTER & SCHMIDT
3100 NORWEST CENTER
90 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-4131

EXAMINER	
POINVIL, F	
ART UNIT	PAPER NUMBER
2768	12

DATE MAILED:

02/16/00

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 12/30/99 is informal/non-responsive for the reason(s) checked below and should be corrected.
APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.

- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other see ATTACHMENT.

2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)

3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.

4. ☐ Other

Office Action Summary

Application No.
08/756,122

Applicant
Johnson et al.

Examiner
Frantzy Poinvil

Group Art Unit
2768



☒ Responsive to communication(s) filed on Dec 30, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-19 is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Specification

1. The disclosure remains objected to because of the following informalities:

Applicants have submitted a number of appendix sheets which fail to meet requirements under 37 CFR 1.96. For example, graphics and images are not text and must therefore be included with the figure sheets. Applicants' notations of graphics and images are not permitted in the appendix. Any diagrams containing graphical components must be submitted as figures and normal drawing sheets. Only computer program listings are permitted for appendices. Any changes to the figures such as their numbering, which affects the written specification must also include the necessary amendments among the drawings must be numbered as part of the written specification and meet the requirements of permissible material for that portion of the application. All submitted sheets to be printed as drawings must be submitted to meet all requirements of 37 CFR 1.84 (all sections), 1.81, 1.83, and 35 USC 113 and the PTO Draftsman. All claim elements, including structural features and process steps (e.g., algorithm steps in a flowchart) must be shown in the drawings, 37 CFR 1.83(a). All elements in the figures should be referenced in the written specification, and vice-versa.

Applicant is reminded that when submitting proposed drawing correction any proposal for amendment of the drawings to cure defects must consist of two parts:

- a) A separate letter to the Draftsman in accordance with MPEP 608.02(r); and

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b) A print or pen-and-ink sketch showing changes in red ink in accordance with MPEP 608.02(v).

Appropriate correction is required.

2. **REMARKS**

Applicant's representative indicates that the Appendix sheets A-C should now be referred as new drawing Figures 18-20 whereby Figure 18 consisting of Figures 18A-18P, Figure 19 consisting of Figures 19A-19P and Figure 20 consisting of Figures 20A-20N. Applicant's representative also indicates that a brief description of these new figures has been provided.

In response, the brief Description of these sheet cannot be found in the amendment submitted 12/30/99. Also, the Examiner notices that these sheets are not drawing sheets. See above. Drawing sheets must feature the claimed invention. Applicant is reminded that each and every claim element must be found in the drawings as required by 37 CFR 1.83(a) and also the drawings and specification must describe, show and correspond for all components shown or discussed as required by 37 CFR 1.84(p). The drawings must show every feature of the invention specified in the claims. Therefore, all means and elements claimed must be shown and supported in the figures or the features canceled from the claims. This means where structure is claimed, be it in method or apparatus type claims, such structure must be clear as to its intended meaning and correspondence with the elements in the drawings. All method steps are considered "elements" or "features" of claims and also must find support in the figures. These necessary items are not found in Appendix sheets A-C or figures 18-20.

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3. Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Allowable Subject Matter

4. Claims 1-19 are allowable over the art of record as stated in the prior Office Action.
- 5.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

FP

15Feb00


Frantzy Poinvil
Primary Examiner
Art Unit 2768